

*Arizona Supreme Court
Judicial Ethics Advisory Committee*

ADVISORY OPINION 96-12
(October 4, 1996)

**Endorsement of a Judicial Candidate by
A Law Enforcement Official**

Issues

May the incumbent candidate for judicial office publicize the endorsement of a county sheriff?

Answer: No, with qualifications.

Facts

A justice of the peace seeks re-election and wishes to publicize the endorsement of the elected sheriff of the county in which the justice of the peace would serve.

Discussion

Canon 5 B(3) specifically permits incumbent judicial candidates to “obtain publicly stated support.” This includes the endorsement of lawyers, public officials and other groups.

The canon necessarily implies that the support may be communicated to the electorate. An endorsement that must be withheld from public knowledge is of no value to either the candidate or to voters.

Any publicity, however, must comport with the general rule stated in Canon 5B(1)(a): “A candidate . . . shall maintain the dignity appropriate to judicial office and act in a manner consistent with the integrity and independence of the judiciary.” Accordingly, a judicial candidate should avoid any statement or implication that the candidate is the hand-picked candidate of the endorsing group or official.

Similarly, the candidate must not employ endorsements which portray the judge as a “law enforcement” candidate. We are concerned about newspaper reports that indicate that the sheriff endorses only those candidates who support his “law-and-order agenda.” This statement strongly suggests that the sheriff’s endorsement means that the candidate is pro law enforcement rather than the independent and impartial decision maker required by Canon 1. Under these circumstances, such an endorsement would be inconsistent with the judge’s role and should not be solicited or publicized.

Even the fact of publicizing a single endorsement, to the exclusion of other support, may undermine the candidate’s apparent independence and impartiality. Ordinarily, candidates from public office collect many endorsements. Emphasizing support from a single source, such as a prominent law enforcement official, might reasonably be seen as indicating that the candidate is pro police or pro prosecution. That view is antithetical to the role of a judge.

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In summary, a judge may obtain public support and publicize endorsements. However, the judge may not utilize endorsements which cast doubt on his or her independence and impartiality by suggesting that the judge favors the police or the prosecution.

Applicable Code Sections

Arizona Code of Judicial Conduct, Canons 1 and 5B(1)(a) (1993).